

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JASON BOTELHO, individually and on behalf
of all those similarly situated,

Plaintiffs,

v.

DYNASTY GUNITE POOLS, LLC,

Defendant.

Case No.: 1:19-cv-12160-IT

~~[PROPOSED]~~ ORDER ~~PRELIMINARILY~~ APPROVING
SETTLEMENTS AND DISMISSING THE MATTER WITH PREJUDICE

Plaintiff Jason Botelho ("Plaintiff") and opt-in Plaintiff Pheaktra Pom ("Mr. Pom") (collectively "Plaintiffs") have settled their claims in this action with Defendant Dynasty Gunite Pools, LLC ("Defendant") through Confidential Settlement Agreements and voluntarily dismiss the Complaint in this action and all of Plaintiffs' individual claims against the Defendant with prejudice.

The Parties have filed a motion seeking approval of their Settlements. The Court has reviewed this matter pursuant to the representation of counsel for the Parties ~~in-camera review~~ and finds and order as follows:

The Parties have been effectively represented by experienced counsel throughout this litigation and having the terms of the Confidential Settlement Agreements fully explained and understood;

The Parties reached settlement after engaging in extensive discovery;

The Plaintiffs' claims in this matter are the subject of a bona fide dispute between the Parties;

The Confidential Settlement Agreements require, among other things, that all claims for wages, liquidated damages, attorney's fees, other alleged damages, and costs against the Defendant be settled and compromised;

The Parties jointly request that the Court dismiss all claims with prejudice;

Plaintiffs desire to compromise their claims; and

This Court has considered the Parties' representations concerning terms of the Confidential Settlement Agreements, and determined that the terms are fair and reasonable and fairly compensate Plaintiffs.

NOW THEREFORE, it is hereby ORDERED that:

1. The Confidential Settlement Agreements, as represented to the Court by counsel for the Parties/~~submitted for *in camera* review~~, are APPROVED by this Court and shall be considered binding;
2. All claims are DISMISSED with PREJUDICE, this Order acting as a final adjudication thereon;
3. Neither this Order, the Confidential Settlement Agreements, nor any act performed or document executed pursuant to or in furtherance of the resolution of this matter is or may be used as an admission or evidence of the validity of any claims, alleged wrongdoing or liability of the Defendant;
4. Each side is to bear its own attorneys' fees and costs; and
5. The Clerk of Court is hereby directed to make the following docket entry: "The Parties' settlements are approved and judgment is entered dismissing the case. Each party to bear its own attorneys' fees and costs."

So ORDERED by the Court.



INDIRA TALWANI
UNITED STATES DISTRICT JUDGE

Dated: 4/7/2020